

Meeting Date: Tuesday 3 March 2015
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

NOTICE OF BUSINESS

Item	Page
1 CONFIRMATION OF MINUTES - Meeting held on 17 February 2015.....	1
2 8 DEAKIN STREET, WEST RYDE. LOT 9 SEC 4 DP 1095. Local Development Application for New multi-dwelling housing (attached) containing 3 units - 1 x 5 bedroom two storey unit at the front and 2 x 3 bedroom single storey units at the rear and strata subdivision. LDA2014/0385.	4

1 CONFIRMATION OF MINUTES - Meeting held on 17 February 2015

Report prepared by: Section Manager - Governance**File No.:** CLM/15/1/3/2 - BP15/156

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Planning and Environment Committee 2/15, held on 17 February 2015, be confirmed.

ATTACHMENTS

1 Minutes - Planning and Environment Committee - 17 February 2015

ITEM 1 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 2/15**

Meeting Date: Tuesday 17 February 2015

Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 5.00pm

Councillors Present: Councillors Chung (Chairperson), Laxale and Yedelian OAM.

Apologies: Councillor Simon.

Absent: Councillor Salvestro-Martin.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Team Leader – Major Development Team, Team Leader – Assessment, Senior Development Engineer, Business Support Coordinator – Environment and Planning, Section Manager – Governance and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 3 February 2015

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

That the Minutes of the Planning and Environment Committee 1/15, held on 3 February 2015, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

2 21-24 RAILWAY ROAD, MEADOWBANK. LOTS A & B DP 343831 and LOT 13 DP 7533. Local Development Application for a residential flat building containing a total of 71 residential apartments and basement car parking. LDA2014/0307

Note: This matter was dealt with later in the meeting as outlined in these Minutes.

ITEM 1 (continued)

ATTACHMENT 1

3 3/35 FOURTH AVENUE DENISTONE. SP 54777. Application pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979 to amend the approved Doctors Surgery. DA1995/0424. Section 96 MOD2014/0170

Note: Dr Henry Miller (applicant) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

(a) That the Section 96 application to modify Local Development Application No. MOD2014/0170 at 35 Fourth Avenue, Denistone being SP 54777 be approved subject to the modification of condition 16 as follows:

16. **Hours of operation.** The hours of operation are to be restricted to:

- 7:30am to 6pm (Monday-Friday)
- 8am to 6pm (Saturday and Sunday)

(b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

2 21-24 RAILWAY ROAD, MEADOWBANK. LOTS A & B DP 343831 and LOT 13 DP 7533. Local Development Application for a residential flat building containing a total of 71 residential apartments and basement car parking. LDA2014/0307

Note: Alexander Jelcic (Architect for the applicant) and Joe Vescio (Town Planner for the applicant) addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Laxale)

That this matter be referred to Council for determination.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 FEBRUARY 2015** as substantive changes were made to the published recommendation

The meeting closed at 5.25pm.

CONFIRMED THIS 3RD DAY OF MARCH 2015.

Chairperson

-
- 2 8 DEAKIN STREET, WEST RYDE. LOT 9 SEC 4 DP 1095. Local Development Application for New multi-dwelling housing (attached) containing 3 units - 1 x 5 bedroom two storey unit at the front and 2 x 3 bedroom single storey units at the rear and strata subdivision. LDA2014/0385.**
-

Report prepared by: Assessment Officer - Town Planner; Team Leader - Assessment

Report approved by: Manager Assessment; Group Manager Environment and Planning

File Number: GRP/09/5/6/2 - BP15/135

1. Report Summary

Applicant: S Frenia.

Owner: A Salerno.

Date lodged: 4 September 2014

This report considers a proposal to erect a multi-dwelling housing development containing 3 dwellings, and strata subdivide the development upon completion.

The proposal has been assessed against the controls in Ryde LEP 2010 and DCP 2014 (Part 3.5 Multi-Dwelling Housing (Attached)), and a non-compliance has been identified in terms of the western side setback, which is partly within the required 6m setback.

The DA has been advertised in the local press and notified to adjoining owners/occupiers, during which two (2) submissions and one petition with nineteen (19) signatures have been received as a result of this process. The issues of concern in the submissions and petition include lack of resident and visitor parking within the development, increased traffic and congestion within Deakin Street, as well as change in visual outlook (ie streetscape impacts) from the development.

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979, the Ryde LEP 2010, and Ryde DCP 2014. The proposal complies with the maximum building heights and site coverage for multi-dwellings in an R2 Low Density zoning, and is almost entirely compliant with Part 3.4 Multi Dwelling Housing DCP 2014 (except for the above mentioned non-compliance in regard to the side setback).

Therefore, it is considered that the proposal is acceptable when assessed using the objectives and controls of Ryde DCP 2014 and is consistent with multi-dwelling developments throughout the City of Ryde. It is therefore recommended that the DA be approved.

ITEM 2 (continued)

Reason for Referral to Planning and Environment Committee: Number of submissions received, which included two (2) submissions and one petition with nineteen (19) signatures.

SEPP 1 (or clause 4.6 RLEP 2010) objection required? No.

Value of works - \$800,000.

A full set of the plans is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions.

RECOMMENDATION:

- (a) That Local Development Application No. LDA2014/385 at 8 Deakin Street, West Ryde is approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Draft Conditions
- 2 Compliance Checklist
- 3 Map
- 4 A4 Plans
- 5 A3 Plans – subject to copyright provisions – **CIRCULATED UNDER SEPARATE COVER**

Report Prepared By:

Michael Tully
Assessment Officer - Town Planner

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager Environment and Planning

ITEM 2 (continued)

2. Site (Refer to attached map.)

Address : 8 Deakin Street, West Ryde

Site Area : 1017 m²
Frontage: 20.115m (Deakin Street)
Depth: 50.605m

Topography and Vegetation : The site slopes to Deakin Street. There are no significant trees or vegetation on site.

Existing Buildings : Dwelling, detached garage and tennis court.

Planning Controls

Zoning : R2 Low Density Residential

Other : Ryde LEP 2010
Ryde DCP 2014



ITEM 2 (continued)

Subject site (below):



3. Councillor Representations

Nil.

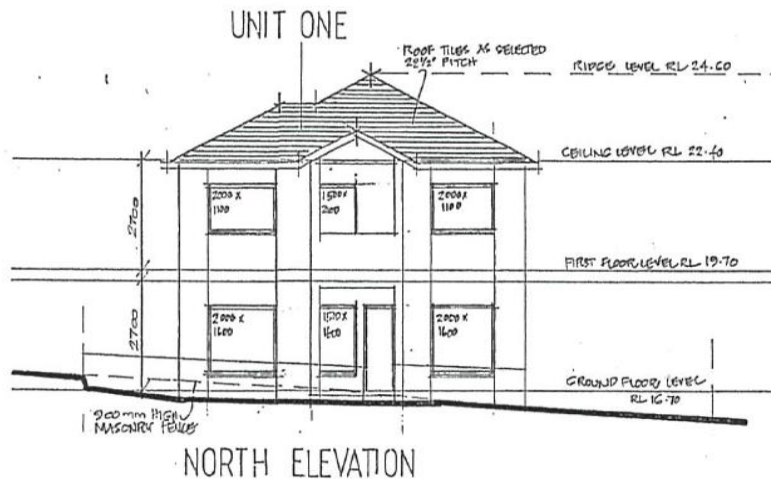
4. Political Donations or Gifts

Any political donations or gifts disclosed? None disclosed.

5. Proposal

The development proposes the erection of a new multi-dwelling housing development containing 3 units. The development has 1 x 2-storey unit at the front (unit 1 – 5 bedroom) and single-storey units behind (units 2 & 3 are 3 bedrooms). The development has a single garage and “stacked” car space behind for each unit (ie total 6 resident parking spaces), with the driveway located along the western boundary. Strata subdivision of the development is also proposed. A front elevation of the proposed development is shown below:

ITEM 2 (continued)



6. Background

DA was lodged on 4 September 2014. Shortly afterwards it underwent a preliminary check, referral to other Council officers, neighbour notification and advertising (closing date for submissions = 8 October 2014) and allocation to the Assessment Officer. Two (2) submissions and a petition with nineteen (19) signatures were received as discussed in the Submissions section of this report.

On 15 October 2014, the applicant was advised of a number of non-compliances with the controls in DCP 2014 and was requested to address these via additional information/amended plans. The issues of concern involved side/rear setback compliance of unit 3, building height for units 2 and 3, stormwater requirements (ie provision of OSD under the driveway instead of above ground basin within the driveway and vehicle manoeuvring), retaining walls and fill outside the building footprint.

The applicant provided a response and submitted the additional information and amended plans. The amendments included increased western side setback to small portion of the development, reduced height of all villas and submitted a revised stormwater plan relocating the onsite detention storage to a below ground tank under the driveway. This information was provided on 3 November 2014 (revised architectural plans) and 26 November 2014 (revised landscaping and drainage plans).

ITEM 2 (continued)

As the amended detail was mostly of a technical nature for Council's information to assist in Council's assessment, and to fully comply with DCP 2014, re-notification to the neighbours of such information was not required.

7. Submissions

The proposal was advertised and notified in accordance with Development Control Plan 2014 - Part 2.1, Notification of Development Applications. The application was advertised on 17 September 2014. Notification of the proposal closed on 8 October 2014.

Two (2) submissions and one petition with nineteen (19) signatures were received. The issues raised in the submissions and petition are summarised and discussed as follows:

The proposed parking arrangements of the villa development are inadequate and will result in additional parking on the street

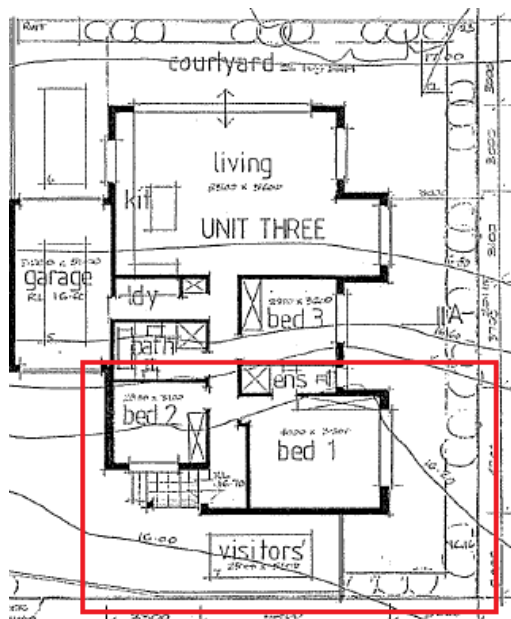
Planner comment: Concerns regarding existing on street parking issues in Deakin Street, and the potential impacts of this development on this existing situation were the most common issue raised in this development application.

The development requires two (2) parking spaces for each unit (which have three bedrooms or more) and one (1) visitor parking space. Each unit provides two (2) spaces in stacked arrangement of a single car garage and an uncovered parking space. Although some concerns have been raised that residents will be 'lazy' and simply park on the street, this arrangement of stacked parking has been regularly accepted as a satisfactory arrangement for parking in multi dwelling housing developments over many years.

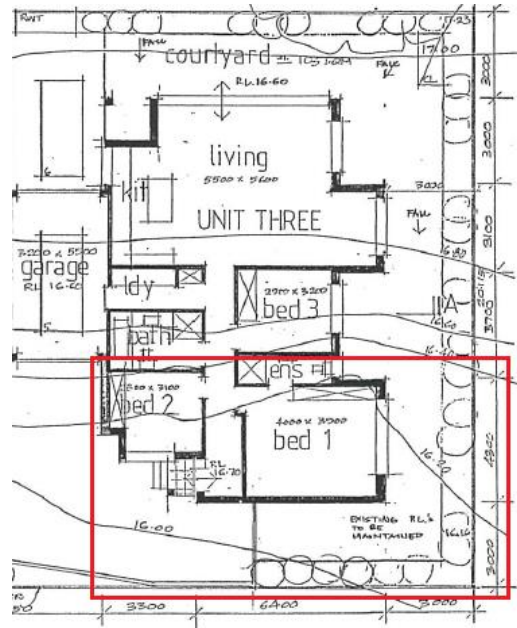
In regard to visitor parking, DCP 2014 requires one (1) space per four units, however where the calculation of the parking required results in a fraction, the parking requirement will be rounded up to the nearest whole number. Therefore, a minimum of one (1) visitor parking space is required when three or more units are proposed.

The proposal comprises three units and requires one (1) visitor car space. The original DA plans provided a visitor space (at the rear of the site adjacent to unit no. 3), however access to the visitor parking space and landscaping were raised as issues and the applicant was requested to amend the drawings. The amended drawings removed the visitor car space, however there is adequate access and manoeuvrability to utilise the space adjacent to unit 3 for the purposes of a visitor car space. See plans below for further detail:

ITEM 2 (continued)



Original plan



Amended plan

Therefore, due to the issue of concern raised by all the resident submissions regarding on street parking issues, the visitor space should be provided. Condition 1(a) requires this, and in effect results in the visitor space being provided in the same location as the original DA plans.

Deakin Street was reduced in width many years ago and resulted in a much narrower street (ie vehicle carriageway) with a large road reserve (ie footpath) either side. Can the footpath be used to park resident cars to mitigate the parking congestion?

Planner comment:

Under the NSW Road Rules, a driver is not permitted to stop (ie park) on a nature strip or footpath area unless permitted by way of a parking control sign. As such activities can degrade the nature strip area (due to vehicle tracking), impose on access and maintenance to services (telecommunications, gas, etc) and reduce pedestrian safety – it is an undesirable arrangement and a measure of last resort.

Notwithstanding this, the Road Rules do not permit double parking and would thereby require the removal of the existing on street parking, thereby defeating the purpose of the exercise.

ITEM 2 (continued)

The following photos (below) indicate that Deakin Street can accommodate on street parking on both sides of the street and still allow for cars to pass.



The proposal will result in a change in visual outlook (ie streetscape impacts)

Planner comment: The front elevation drawing provided earlier in this report shows that the front unit will be two storeys in height, constructed of brick and tiled roof and with a street presentation that is consistent with other two storey dwellings within the Deakin Street. The photos below highlight two storey dwellings at No. 2, 3 and 9 Deakin Street and 69 Adelaide Street (corner of Deakin and Adelaide Street).



No. 2 Deakin Street (above)



No. 3 Deakin Street (above)

ITEM 2 (continued)



No. 9 Deakin Street (above)



No. 69 Adelaide Street (corner of Deakin and Adelaide Street) (above)

Therefore, the bulk and scale of the proposed multi dwelling housing development is considered to be consistent with the prevailing streetscape and with the R2 low density residential zone.

8. SEPP1 (or clause 4.6 RLEP 2010) objection required? No.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

Ryde Local Environmental Plan 2014

Ryde LEP 2014 commenced on 12 September 2014 as the new environmental planning instrument applicable to the City of Ryde. In relation to existing DAs undetermined as of 12 September 2014, this instrument contains a Savings Provision (clause 1.8A) which states:

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

The DA was made (lodged) on 04/09/14 before the commencement of this Plan and so it must be determined as if Ryde LEP 2014 had not commenced. What this means is that Ryde LEP 2014 is treated as a draft.

ITEM 2 (continued)Ryde Local Environmental Plan 2010**Zoning**

R2 Low Density Residential. The proposed development is permissible with consent.

Mandatory Requirements

Clause 4.3(2A) specifies maximum heights of multi dwelling housing developments – 8m for dwellings with a frontage to the street (if adjoining lots contains dwellings that are less than 9.5m high); and 6.5m for dwellings that do not have frontage to the street.

This development proposes a height of 8.0m for unit 1 (which has frontage to the street) and the maximum height of the other units (2 and 3) without a frontage to the street, range from 4.5 - 4.8m, which therefore complies with this clause of Ryde LEP 2010.

Clause 4.5A specifies (in sub-clause (1)) that a “multi dwelling housing (attached)” development shall not be erected on land in the R2 Low Density Residential zone, unless it has a site area of not less than 300m² for each 1, 2, and 3 bedroom dwelling and 365m² for each 4+ bedroom dwelling.

The subject site has a total area of 1017m². The proposed 3 dwellings (1 x 5 bedroom, 2 x 3 bedroom) would require 965m² of site area, and as such, this development complies with sub-clause (1).

Clause 4.5A also specifies (in sub-clause (2)) that “each dwelling will have its own contiguous private open space and separate access to that space from an unbuilt portion of the site”. All of the dwellings have their own contiguous private open space and separate access to that space, and therefore the development complies with sub-clause (2).

(b) Relevant SEPPsSEPP BASIX

A compliant BASIX Certificate has been submitted with the DA. A standard condition has been included in the consent requiring compliance with this BASIX certificate. See condition 3.

(c) Relevant REPs

N/A

ITEM 2 (continued)

(d) The provisions of any Development Control Plan applying to the Land

Ryde Development Control Plan 2014:

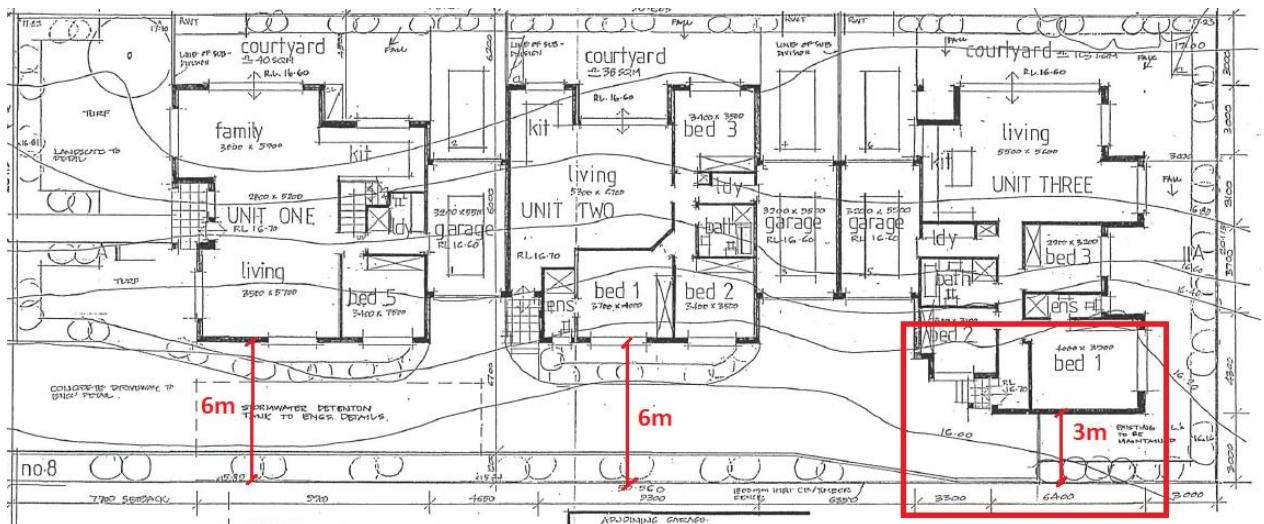
Note: DCP 2014 is applicable as of 12 September 2014, despite the LDA being lodged prior to the gazettal of the LEP and subsequent DCP as there are no savings provisions contained within DCP 2014 which allow it to be treated as a draft.

Part 3.5 – Multi Dwelling Housing (attached)

An assessment of the proposal in terms of the requirements of this Part of DCP 2014 appears in the DCP Compliance Table held at **ATTACHMENT 2**. The areas of non-compliance with DCP 2014 are discussed as follows:

Side setback:

Ryde DCP 2014 requires a setback of 4.5m from the side and rear boundaries, and where vehicle access is provided within this area, the minimum setback shall be 6m. The western side setback of unit 3 is 3m at the closest point which technically does not comply within this requirement because the driveway is located on this side of the development. Notwithstanding the technical non-compliance, the proposal is considered acceptable because the location of this unit will still be enable adequate vehicle manoeuvring and the setback provides adequate opportunity for landscaping and reduction of visual bulk. The diagram below highlights the non-compliance (shown within the red box):



ITEM 2 (continued)

Part 8.2 – Stormwater Management

The subject site slopes to the street, draining via gravity to an underground OSD tank beneath the driveway and to the kerb and gutter within Deakin Street. Council's Senior Development Engineer has advised that the proposal is satisfactory in this regard.

Part 9.4 – Fencing

A standard condition has been included in the proposed conditions of consent (Attachment 1) requiring the side/rear boundary fencing to be constructed in accordance with the DCP requirements. See condition 25.

Section 94 of the Environmental Planning and Assessment Act 1979

Council's Section 94 Development Contributions Plan - 2007

The contribution that are payable with respect to the increase housing density on the subject site (*being for residential development outside the Macquarie Park Area*) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$6,771.08
Open Space & Recreation Facilities	\$16,669.04
Civic & Urban Improvements	\$5,669.46
Roads & Traffic Management Facilities	\$773.34
Cycleways	\$483.08
Stormwater Management Facilities	\$1535.44
Plan Administration	\$130.24
The total contribution is	\$32,031.68

A condition for the payment of a Section 94 Contribution of \$32,031.68 has been included in the draft conditions of consent (Attachment 1). See condition 18.

10. Likely impacts of the Development

(a) Built Environment

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of DCP compliance, and in terms of the submissions received.

ITEM 2 (continued)

The resultant impacts of the proposed multi dwelling (3 x dwellings) development on the built environment are considered to result in a development that is consistent with the desired future character of the low density residential areas, and consistent with the nature of development in Ryde Local Government Area.

(b) Natural Environment

Given the nature of the proposed development being for the construction of a multi dwelling development (3 x dwellings) that replaces an existing dwelling on site, and the development includes only minimal excavation and no tree removal (except for minor shrubs), it is considered there will be no significant impact upon the natural environment as a result of the proposal.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies that there are no constraints affecting the subject property of concern regarding the proposed development.

12. The Public Interest

It is considered that approval of this DA would be in the public interest.

The development substantially complies with Council's current development controls, and includes a built form that is in keeping with the existing and desired future character of the low density residential area, and maximises housing choice.

13. Consultation – Internal and ExternalInternal Referrals

Senior Development Engineer: Council's Senior Development Engineer has assessed the proposal and advised that it is satisfactory subject to conditions.

Consultant Landscape Architect: Council's Consultant Landscape Architect has assessed the proposal and advised that it is satisfactory subject to conditions.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

Adoption of the option(s) outlined in this report will have no financial impact.

ITEM 2 (continued)**16. Other Options**

None relevant.

17. Conclusion

The proposed development has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory for approval.

The non-compliance identified in terms of Ryde DCP 2014 regarding the western side setback is considered to be justifiable given a merit based assessment.

The proposal has attracted a number of submissions, however the issues of concern are not considered sufficient to justify refusal or further design amendments.

The proposed development is considered to be consistent with the desired future character of the low density residential areas, which permits multi-dwelling developments, and is consistent with the nature of development in the Ryde Local Government Area.

On the above basis, LDA2014/385 at 8 Deakin Street, West Ryde is recommended for approval.

ITEM 2 (continued)

ATTACHMENT 1

DRAFT CONDITIONS OF CONSENT

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Site/Ground Floor/First Floor Plan & North Elevation	27/10/14	D01A
Elevations and Roof Plan	27/10/14	D02A
Elevations and Section Plan	27/10/14	D03A
Stormwater Plan 1 of 4	27/10/14	D1 issue B
Stormwater Plan 2 of 4	27/10/14	D2 issue B
Stormwater Plan 3 of 4	27/10/14	D3 issue B
Stormwater Plan 4 of 4	27/10/14	D4 issue B
Landscape Plan 1 of 2	24/10/14	Issue B
Landscape Plan 2 of 2	24/10/14	Issue B

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- (a) One (1) visitor parking space must be provided within the western side setback, between villa 3 and the western boundary fence as annotated in red on the approved plans.

The Development must be carried out in accordance with the amended plans approved under this condition.

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 562381M, dated 24/07/2014.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

ITEM 2 (continued)

ATTACHMENT 1

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Protection of Adjoining and Public Land

- 5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
- 6. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
- 7. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
- 9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
- 10. **Boundary Fencing.** All boundary fencing is to be erected as detailed on the plans approved in Condition 1, subject to concurrence from the affected adjoining property owners. All side and rear boundary fencing to be a minimum height of 1.8m and constructed of lapped and capped timber.

Works on Public Road

- 11. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

ITEM 2 (continued)

ATTACHMENT 1

12. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

ENGINEERING CONDITIONS

13. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements specified within Council's publication *Environmental Standards Development Criteria* and relevant Development Control Plans except otherwise as amended by conditions of this consent.
14. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
15. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
16. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

ITEM 2 (continued)

ATTACHMENT 1

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

17. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$6,771.08
Open Space & Recreation Facilities	\$16,669.04
Civic & Urban Improvements	\$5,669.46
Roads & Traffic Management Facilities	\$773.34
Cycleways	\$483.08
Stormwater Management Facilities	\$1535.44
Plan Administration	\$130.24
The total contribution is	\$32,031.68

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

ITEM 2 (continued)

ATTACHMENT 1

18. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
19. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
20. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
21. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
22. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

This condition should be used for all developments that may affect Sydney Water infrastructure.

Some developments may also require a Section 73 Certificate – see Occupation Certificate section of this consent. See also Sydney Water's letter of advice.

ITEM 2 (continued)

ATTACHMENT 1

23. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
24. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

ENGINEERING CONDITIONS

25. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
26. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
27. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater Management. The minimum capacity of the piped drainage system shall be equivalent to the collected runoff from a 100 year average recurrence interval 5 minute storm event.
Detailed engineering plans including certification indicating compliance with this condition & DCP 2014 are to be submitted with the Construction Certificate application.
28. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.

ITEM 2 (continued)

ATTACHMENT 1

29. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- (a) Existing and final contours
 - (b) The location of all earthworks, including roads, areas of cut and fill
 - (c) Location of all impervious areas
 - (d) **Location and design criteria of erosion and sediment control structures,**
 - (e) Location and description of existing vegetation
 - (f) Site access point/s and means of limiting material leaving the site
 - (g) Location of proposed vegetated buffer strips
 - (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
 - (i) Location of stockpiles
 - (j) Means of diversion of uncontaminated upper catchment around disturbed areas
 - (k) Procedures for maintenance of erosion and sediment controls
 - (l) Details for any staging of works
 - (m) Details and procedures for dust control.
30. **Screening.** Landscaping as indicated on the approved plans shall be provided throughout the site. Suitable screen planting is to be provided with a minimum height of at least 900mm at the time of planting. The screen planting is to be maintained at all times. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
31. **Boundary Screen Planting.** The spacing of screen planting shrubs located along the side and rear boundaries is to be reduced to not more than one (1) metre apart so as to provide effective screening to the neighbouring allotments. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
32. **Boundary Tree Planting.** The side and rear boundaries are to include intermediary small tree plantings at five (5) metre centres with mature heights of 5-6 metres and minimum pot sizes of 25 litres so as to provide appropriate screening of the development. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

ITEM 2 (continued)

ATTACHMENT 1

33. **Tree Planting – Front Yard.** The front yard is to include an additional native tree planting with a minimum pot size of 45 litres and mature height of at least 10 metres with a spreading canopy. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

PRIOR TO COMMENCEMENT OF CONSTRUCTION OR WORKS

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

34. **Site Sign**
- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
 - (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
35. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
36. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.

ITEM 2 (continued)

ATTACHMENT 1

- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

37. Excavation adjacent to adjoining land

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

38. Safety fencing. The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

39. Sediment and Erosion Control. The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

40. Compliance Certificate. A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities

ITEM 2 (continued)

ATTACHMENT 1

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

41. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
42. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
43. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
44. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
45. **Construction materials.** All materials associated with construction must be retained within the site.
46. **Site Facilities**

The following facilities must be provided on the site:

 - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
47. **Site maintenance**

The applicant must ensure that:

 - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.

ITEM 2 (continued)

ATTACHMENT 1

48. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 “Traffic Control Devices for Work on Roads”.
49. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.
50. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
51. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

52. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 562381M, dated 24/07/2014.
53. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

ITEM 2 (continued)

ATTACHMENT 1

54. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.
55. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

ENGINEERING CONDITIONS

56. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
57. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
58. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
59. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
60. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No 109315 issue B dated 27/10/14 sheets D1 to D4 prepared by Storm Civil Engineering Solutions Pty Ltd and as amended in red by Council.

ITEM 2 (continued)

ATTACHMENT 1

61. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Development Control Plan 2014: - Part 8.
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2014: - Part 8.3; Driveways.
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater Management
 - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's Development Control Plan 2014: - Part 8.3 Driveways
62. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.
The applicant shall submit the works as executed drawing and the compliance certificate for drainage from the hydraulic engineer to Council with the documents for the Positive Covenant.

PRIOR TO SUBDIVISION CERTIFICATE

63. **Existing Easements and Restrictions.** The applicant must acknowledge all existing easements and restrictions of the use of land on the final plan of subdivision.

ITEM 2 (continued)

ATTACHMENT 1

64. **Registration of easements.** The registration of all necessary easements is required to ensure all proposed lots will have legal access to all utility services, drainage and vehicular access. Prior to release of the Subdivision Certificate, certification shall be obtained from a registered surveyor and submitted to Council confirming the above requirement will be met upon registration of the linen plan at the Land and Property Information.
65. **Provision of Services.** To ensure satisfactory effluent disposal and utility services are available to all proposed lots, the applicant is required to submit to Council the following certificates from the following public authorities
- i. S73 Certificate from Sydney Water indicating reticulated sewer has been made available to each lot
 - ii. Integral Energy indicating satisfactory arrangements have been made for the provision of underground electricity supply to each lot.
 - iii. A telecommunication service provider stating that satisfactory arrangements have been made for the provision of underground telephone services to each lot .
66. **88B Instrument.** The submission of an instrument under Section 88B of the Conveyancing Act 1919 with 3 copies, creating any Easements, Positive Covenants and Restrictions on use, the City of Ryde being the authority empowered to release vary or modify the same.
67. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to Section 88 E of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the 88 E instrument are to be in accordance with the Council's draft terms for these systems as specified in City of Ryde DCP 2010 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.
68. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
69. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
70. **Occupation Certificate.** A final occupation certificate in relation to Development Consent No.2014/385 must be issued for the entire development prior to the release of the strata subdivision certificate.

ITEM 2 (continued)

ATTACHMENT 1

OPERATIONAL

71. **Privacy Screening.** All privacy screening devices, including screen planting must be erected **before occupation commences**.
72. **Air conditioning units.** Air conditioning units located near adjoining property boundaries are not to exceed background noise level by more than 5dB(A)
73. **Waste Collection Services.** Arrangements must be made with Council for the provision of waste collection services **before occupation commences**.

ITEM 2 (continued)

ATTACHMENT 2

COMPLIANCE CHECK

Assessment of a Multi Dwelling Housing (attached) Development

LDA No: LDA2014/0385	Date Plans Rec'd:
Address: 8 Deakin Street, West Ryde	
Proposal: New multi-dwelling housing (attached) containing 3 units - 1 x 5 bedroom two storey unit at the front and 2 x 3 bedroom single storey units at the rear and strata subdivision.	
Constraints Identified: Nil	

PART 2.0 – Site Analysis, Location Number and Type of Dwelling

DCP 2014	Proposed	Compliance
2.1 Site Analysis		
<ul style="list-style-type: none"> ○ Must have a SA ○ SA should relate dwgs to surrounds + minimise amenity impacts 	Site analysis provided	Yes
2.2 Minimum allotment size		
Area: (not <600m ²)	1017sqm.	Yes
Primary Frontage: (not <20m)	20.115m.	Yes
Not hatchet shaped	N/A	
2.3 Non-Preferred Locations		
Is the proposed development within a non-preferred location?	No.	Yes
2.5 Retention of Existing Dwellings		
Retention of existing dwg as part of a MDH will not be approved	No. Dwelling and structures are proposed to be demolished (via a separate application).	Yes
Exception may occur if heritage significant bldg or contributing item. Does it comply with Clause 2.5.1?	N/A	

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
2.6 Density		
As per clause 4.5A RLEP2010 – which state: (a) Site Area: ○ 300m ² per 1,2,3br dwg ○ 365m ² per 4+br dwg	2 x 3 bed dwellings (2 x 300m ²) 1 x 5 bed dwelling (1 x 365m ²) Total: 965sqm required.	Yes
(b) Each dwg has its own POS and sep access to that space from unbuilt portion of site	Complies. Dwelling 1 and 3 access provided via rear gate, while dwelling 2 provides access through garage.	Yes
2.7 Number of Dwellings		
Not more than 12 Dwellings	Three (3) dwellings proposed.	Yes
2.8 Type of Dwellings		
If 4 or more dwellings on site, <75% with same number of bedrooms (rounded down) eg. 6d= 4x3B + 2x2B	N/A	

PART 3.0 Site Planning

DCP 2014	Proposed	Compliance
3.1 Slope of Site		
At least one dwelling must present to the street	Complies – unit 1 faces Deakin Street.	Yes
Slope must be <1:6 either up or down from street frontage	Slopes to the street with a slope of approximately 3% or 1:33.	Yes
Cross-fall <1:14	6.1% or 1:16.	Yes
3.2 Altering the Levels of the Site		
No imported Fill	N/A	
<300mm Cut or Fill outside building envelope.	Cut and fill outside the building envelope is less than 300mm.	Yes
No basement garages, minimal steps, minimal retaining walls	Minimal retaining walls and some steps are proposed.	Yes
POS generally at NGL.	Complies- POS of all three dwellings is provided at NGL.	Yes
3.3 Storey and Height		
3.3.1 Storeys		
A MDH must be within single storey bldg. OR		

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Dwg with frontage to street can be 2 storeys provided: <ul style="list-style-type: none"> o 2 st dwg not attached to any other 2 st dwg o 2 st dwg is suitable re streetscape 	Two storeys provided for villa 1 which faces Deakin street, which is attached to a single storey villa.	Yes
CORNER ALLOTMENTS		
Only 1 dwg can be 2 storeys, the dwg on street with shortest frontage.	N/A	
Corner lots containing a 2 st dwg must be sensitively designed re topography, dwg size and height.	N/A	
3.3.2 Height		
As per Clause 4.3(2a) – which state the maximum height is:	Units 2 and 3 have a maximum height of 4.8m and 4.5m respectively.	Yes
(a) for dwgs in bldg with no frontage to street – 6.5m		
(b) for dwgs with a frontage to street, if adj lots have dwgs that are <9.5m high – 8m	Maximum height of unit 1 (frontage to Deakin Street) is 8m.	Yes
3.4 Site Coverage		
Site coverage < 40%	396.5sqm or 38.9%	Yes
Pervious area > 35%	372.1sqm or 36.5%	Yes
3.5 Setbacks		
3.5.1 Front Setbacks		
<u>Front Setbacks:</u> Similar to adjoining buildings - same as adjoining if <2m - Average if >2m	6.7 – 7.7m setback from Deakin Street is provided, which is similar to the prevailing streetscape.	Yes
Setback of 1m less than the above std for not more than 50% of the front elevation for interest in the streetscape	Varied setback provided.	Yes
Council may vary this requirement if streetscape is likely to change: >7.5m for 50% of frontage, >6.5m for 50% of frontage.	N/A	

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
3.5.2 Hatchet Shaped Allotment		
For hatchet allotment – bldgs must be sited so that vehicles can enter/leave site in a fwd direction.	N/A	
3.5.3 Second Street Frontage		
Min 4.5m	N/A	
3.5.4 Side and Rear Setbacks		
Min 4.5m unless vehicular access is included in this area, then min 6m.	3 – 7.8m western side setback is provided (including vehicular access).	No. See discussion in S79C Report.
Must provide appropriate solar access.	Suitable solar access between 9am and 3pm is provided to the all three units.	Yes
Ensure existing substantial trees not within proposed courtyard areas.	No substantial trees are proposed within the courtyards.	Yes
Allow variation between 3-6m for less than 50% for visual interest	<p>Eastern side setback varies between 3 and 4.5m and considered to be adequately modulated.</p> <p>Rear setback varies between 3 - 4.5m.</p>	Yes
3.5.5 Internal Setbacks		
Habitable room windows don't overlook	Complies.	Yes
9m separation between facing dwellings habitable room windows?	Habitable windows within all three dwellings do not overlook each other.	Yes
3.6 Private Outdoor Space		
Min 30m ² for 2B Min 35m ² for 3+B	Unit 1: 36.1sqm Unit 2: 37.1sqm Unit 3: 113.8sqm	Yes
Min dimension 4m and generally at NGL	Unit 1, 2 and 3 provide minimum dimensions of 4m x 4m.	Yes
Solar access: 50% for ≥2hrs	All POS associated with the three (3) units will receive at least 2 hours sunlight.	Yes
Do not contain ex'g big trees	No.	Yes

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Access to courtyard other than through dwg?	Unit 1 and 3 provides access to the courtyard via a side gate, while unit 2 is through the garage which is deemed acceptable.	Yes
Securely enclosed (not roofed) + visible from liv rms	All three courtyards are securely enclosed.	Yes
Not within front setback	Complies – provided within eastern side setback.	Yes
≥1.2m landscape strip between courtyard and adjoining property	Car space separating dwellings – complies.	Yes
3.7 Landscaping		
Extent of landscaping, existing trees retained in common areas?	Existing trees maintained where possible.	Yes
Privacy Planting ≥1.2m landscaped strip 1m strip between driveway and wall of dwgs 3<h<4m mature plants? 5<h<6m small trees?	A 1m landscaping strip is provided along the western boundary of the driveway and up to 1.2m landscaping strip between the driveway and the wall of villas 1 and 2. Villa three is provided with a turning area between the wall of the dwelling and the western boundary.	Yes
Lawn areas edged or kerbed?	Unknown. To be conditioned as kerbed.	Yes
Nature Strips: Street trees retained and protected?	No street trees are required to be removed.	Yes
3.8 Car Parking, Manoeuvrability and Driveway Crossings		
Car Parking		
Number of Parking Spaces 1 space per 1 or 2 B dwelling 2 spaces per 3+B dwelling 1 visitor space per 4 dwgs (at least 1 space per dwg must be lockable garage) Total No of spaces req'd: 7 6 resident spaces + 1 visitor space	Two (2) car spaces are provided for each of the three units within the proposed garages and open hardstand spaces in a stacked arrangement. However, one (1) visitor car space has not been provided.	Yes – Visitor car space to be provided via condition (see condition 1a).

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
For hatchet shaped blocks, 1 extra visitor space per 4 dwellings	N/A	Yes
Garage location: - Not between dwelling and street frontage - No tandem parking in front of garage - Conveniently located for occupants - Located so they separate dwellings.	No garages are located within the front setback and are conveniently located so as to provide separation between dwellings. No parking space is provided in front of the garage.	Yes
Manoeuvrability: Enter and leave garage/parking area with single 3pt turn, in a forward direction (unless safe to reverse - corner allotment only).	Council's development engineer was satisfied with the proposed driveway and manoeuvring to and from the garages.	Yes
Driveways Suitably paved, extent minimised, to avoid excessive amounts of hard paving.	The combination of driveway to landscaping is considered satisfactory.	Yes
Driveway Crossings Width: 10 spaces, min 4m >10 spaces, max 6m Driveways <30% of frontage	Proposed driveway crossing is 4.8m which is less than 30% of the lot width.	Yes
3.9 Overshadowing and Access to Sunlight		
Habitable room windows face courtyard or other outdoor space open to the sky, no closer than 1.5m to facing wall.	All habitable rooms of each dwelling, are not opposing a wall and have access to direct and indirect sunlight.	Yes
Sunlight to at least 50% of each courtyard, and principal ground level open space >2hrs between 9am and 3pm on June 21 or	Suitable solar access is provided to the easterly orientated POS of all units.	Yes
Where existing overshadowing by buildings and fences is greater than this on adjoining properties, sunlight must not be further reduced by more than 20%	Overshadowing of neighbouring properties is minimal as the two storey dwelling to the front of the site is a maximum of 8m high and setback more than 3m from either side boundary.	Yes

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Shadow diagrams must indicate extent of shadowing within development and adjoining properties.	Complies.	Yes
3.10 Visual and Acoustic Privacy		
Min 9m separation between facing habitable room windows	Habitable rooms within the development do not oppose each other.	Yes
No direct views between living area windows or adjacent dwellings (otherwise screening or obscuring necessary)	<p>Unit 1: Primary living areas are located on the ground floor, orientated to the east and are between 0 - 200mm below natural ground level. Screen planting is proposed along the length of the eastern side boundary as well as 1.8m lapped and capped timber fence, obscuring any overlooking opportunities.</p> <p>The first floor comprises bedrooms only, minimising overlooking opportunities as these rooms are used infrequently and predominately at night.</p> <p>Unit 2: (single storey) Primary living areas are orientated to the east and are less than between 0-200mm below natural ground level. Screen planting is proposed along the length of the eastern side boundary as well as 1.8m lapped and capped timber fence. Therefore, privacy impacts will be mitigated and overlooking limited.</p> <p>Unit 3: (single storey) Primary living areas are orientated to the east and south, opposing the rear</p>	Yes

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
	yard of 6 Deakin Street and 11 Hibble Street. No overlooking will occur.	
Direct views from living areas to private open space of other dwellings should be screened or obscured within privacy sensitive zone of 12m radius.	Unit 1, 2 and 3: POS is provided generally at NGL and will not result in overlooking opportunities. Screen planting and 1.8m timber fencing will protect the privacy and amenity of neighbouring dwellings.	Yes
No balconies. Elevated landings (or similar associated with stairs into courtyard) max 1m wide	No balconies are proposed. Access to POS from dwellings is provided at grade and below NGL.	Yes
Living and sleeping areas protected from high levels of external noise?	All habitable rooms are configured to mitigate noise generated from use of the internal driveway and street noise.	Yes
Noise levels of air con pool pumps etc must not exceed background noise level by more than 5dB(A)	To be conditioned.	Yes
3.11 Accessibility		
3.11.1 Pedestrian Access		
Pedestrian access provided, separate to vehicle access where possible.	Separate pedestrian access is provided each of the three dwellings.	Yes
3.11.2 Access for People with Disabilities – Devts of 6 or more dwellings		
6 or more dwelling developments have min 35% of dwellings provide access to all indoor areas and outdoor living areas for people with disabilities (street, car parking and common areas accessed in one continuous path of travel)	N/A. The proposed development comprises 3 dwellings only.	
Dwgs designed as per AS4299 must be able to access street, car pkg and common areas using continuous path of travel.	N/A. The proposed development comprises 3 dwellings only.	

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
3.11.3 Access Audits		
For above such developments, an access audit must be submitted	N/A. The proposed development comprises 3 dwellings only.	

PART 4.0 Building Form

DCP 2014	Proposed	Compliance
4.1 Appearance		
Complement streetscape		
Includes pitched roof, eaves, vertically oriented windows, verandahs, rendered and face brick	It is considered the design of the proposed dwellings are reflective of both traditional and contemporary designs through the incorporation of brick render, face brick and cladding to the external walls and windows, combined with the traditional pitched roof design, results in modern dwellings which are commensurate with recently constructed dwellings within West Ryde.	Yes
At least 1 dwg must face street	Unit 1 faces Deakin Street.	Yes
4.2 Ceiling Height		
Floor to Ceiling min 2.7m	Unit 1: 2.7m is provided to the GF and FF. Unit 2 & 3: 2.7m is provided to the GF of both dwellings.	Yes
4.3 Roofscape and Roof Materials		
Pitch 22-30° (35° where 2 nd floor is within roof)	22.5 degree slope is provided too all three dwellings.	Yes
Min 300mm eaves overhang for roofs & verandas	500mm overhang is provided too all three dwellings.	Yes
Gables to street frontage?	A hip and gable roof is provided to Deakin street which is consistent with the prevailing roof form within the street.	Yes

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Variation to roof line? Roof materials consistent with traditional ones in the street?	Proposed tiled roofs are consistent with the other dwellings in the street.	Yes
4.4 Building materials for Walls		
In keeping with the traditional materials for the locality. Detailing to break up large areas of wall adding interest and individuality	Adequate modulation is provided in plan and elevation, reducing the bulk of the dwellings.	Yes
Proportion of windows and other openings consistent with character of locality. (windows generally 2:1 and 3:1 vertical proportion)	Number of windows and size of openings are consistent with that of the prevailing streetscape.	Yes
4.5 Fences		
4.5.1 Front fence		
Max ht 1m, and 70% visually permeable	A 900mm high front fence has been indicated on the landscape plan, however no elevation or section has been provided. A condition will be imposed requiring the front fence to comply with DCP 2014.	Yes
Materials compliment dwelling eg wooden pickets, masonry with infill panels, wrought iron or similar etc	A masonry and timber picket fence has been proposed.	Yes
4.5.2 Other Boundary Fences which Face a Street		
Similar materials to main front fence	N/A	
Solid fence must have indents for soft landscaping	N/A	
4.5.3 Other boundary fences		
Min ht 1.8m	Proposed rear and side boundary fence is a minimum of 1.8m in height.	Yes
Lapped and capped timber	Complies.	Yes
4.6 Clotheslines and drying area		
External clotheslines (not visible from adjoining properties or public areas)	External clothes line of all dwellings is located within courtyard and/or adjacent to open hardstand car space.	Yes

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Each dwelling must have its own laundry	Complies.	Yes
4.7 Lighting		
Front yard lighting and lighting for the front of dwellings is to be provided	To be conditioned.	Yes
Location of external lighting must not have adverse affect on adjoining properties.	To be conditioned.	Yes
4.8 Garbage bin enclosures		
For developments up to 5 dwellings on sites that are not steeply sloping and which have a wide road frontage: <ul style="list-style-type: none"> - Each dwelling must be provided with a storage area for Council's standard rubbish and recycling bins. - Storage area should be behind the dwelling, not visible from public spaces, common areas and habitable room windows 	Each dwelling is equipped with a bin storage area.	Yes
For developments of 6 or more dwellings or where sites are steeply sloping or have a narrow street frontage: <ul style="list-style-type: none"> - A central garbage bin enclosure shall be provided - Behind the building line and suitably screened by landscaping. A plan indicating the design and location of the garbage bin enclosure must be submitted with the DA. 	N/A	

PART 5.0 – Engineering

DCP 2014	Proposed	Compliance
Drainage		
Refer to Part 8.2 Storm water Management DCP 2014	Councils development engineer advises that proposed system is generally acceptable in that it	Yes

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
	incorporates onsite detention designed in accordance with Councils DCP requirements, draining to the kerb and gutter system within Deakin Street.	

Summary of Issues/Non compliances:

- Side setback (driveway) is less than 6m.

Certification

I certify that all of the above issues have been accurately and professionally examined by me.

Name

Signature

Date

ITEM 2 (continued)

ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 4

